

321 CMR 3.00: HUNTING

Section

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321 CMR 3.01(1)(o)

3.01: Hunting, Generally

(1) Wildlife Management Areas.

(o) The night hunting of raccoon and opossum by means of a pistol or revolver not larger than .38 caliber, or by means of a rifle chambered to take ammunition not larger than .22 caliber long rifle shall be permitted on the following wildlife management areas between ½ hour after sunset and ½ hour before sunrise in accordance with the prescribed seasons, bag limits, and other provisions of 321 CMR 3.02(5). During this night hunting period, the wearing of a "hunter orange" cap or hat is not mandatory.

1. Central Wildlife District: Breakneck Brook Wildlife Management Area (WMA) Fish Brook WMA Lawrence Brook WMA Leadmine WMA McKinstry Brook WMA Merrill Pond WMA Moose Brook WMA Muddy Brook WMA Poutwater WMA Prince River WMA Quisset WMA Raccoon Hill WMA Savage Hill WMA Wolf Swamp WMA

Connecticut Valley Wildlife District: Catamount WMA Coy Hill WMA East Mountain WMA Facing Rock WMA Lake Warner WMA Leadmine WMA Ludlow WMA Millers River WMA (Wendell) Montague WMA Mt. Toby WMA Orange WMA Palmer WMA Satan's Kingdom WMA Tully Mountain WMA Wales WMA Warwick WMA Wendell WMA Westfield WMA Whately WMA Williamsburg WMA

Northeast Wildlife District: Boxborough Station WMA Dunstable Brook WMA Hunting Hills WMA Mulpus Brook WMA Nissitissit River WMA Pantry Brook WMA Salisbury Marsh WMA William Forward WMA Southeast Wildlife District: Black Brook WMA Burrage Pond WMA Canoe River WMA Church Homestead WMA Copicut WMA Dartmoor Farms WMA English Salt Marsh WMA Freetown Swamp WMA Haskell Swamp WMA Hockomock Swamp WMA (exclusive of Erwin S. Wilder Section) Hyannis Ponds WMA Mashpee Pine Barrens WMA Meetinghouse Swamp WMA Peterson Swamp WMA Purchase Brook WMA Quashnet River WMA Red Brook WMA Rochester WMA Rocky Gutter WMA Sly Pond WMA Taunton River WMA West Meadows WMA

Western Wildlife District: Becket WMA Chalet WMA Cummington WMA Day Mountain WMA Dolomite Ledges WMA Fairfield Brook WMA Farmington River WMA Fisk Meadows WMA Fox Den WMA Green River WMA Hancock WMA Hiram H. Fox WMA John J. Kelly Memorial Forest and WMA Jug End State Reservation and WMA Lily Pond WMA Maple Hill WMA Mount Tekoa WMA Otis WMA Peru WMA Powell Brook WMA Savoy WMA Taconic Ridge WMA

Three Mile Pond WMA Walnut Hill WMA

2. Night hunting of raccoon and opossum under special conditions shall also be permitted on all other wildlife management areas, except on the Delaney (Harvard, Bolton, and Stow) and Flint Pond (Tyngsborough) Wildlife Management Areas. During the period from the first Friday after Columbus Day through the Saturday following Thanksgiving, night hunting of raccoon and opossum shall be permitted on these areas only between the hours of 9:00 P.M. to 3:00 A.M. subject to the limitations pertaining to firearms in 321 CMR 3.01(1)(o). During this night hunting period, the wearing of a "hunter orange" color cap or hat is not mandatory.

(p) No person shall hunt during the pheasant or quail seasons on any wildlife management area where pheasant or quail are stocked without wearing a "hunter orange" color cap or hat, except for the hunting of raccoon or opossum in accordance with 321 CMR 3.01(1)(o) and except for persons hunting waterfowl from within a blind or a boat. For the purposes of 321 CMR 3.01(1)(p), "hunter orange" color shall be that color defined in 321 CMR 3.01(2).

(q) No person, except with the written permission of the Director or his authorized agent, shall, within any wildlife management area, dig, excavate, remove or disturb, or cause to be dug, excavated, removed or disturbed, any archaeological or paleontological artifacts, remains, ruins, sites, fossils, or other objects of unusual historical or prehistorical antiquity.

(r) The Director is authorized to declare special regulations as deemed necessary by him for the purpose of dealing with situations or conditions peculiar to specific wildlife management areas. Those special regulations appearing in 321 CMR 3.03 shall be construed to be part of 321 CMR 3.01(1)(r).

321 CMR 3.02 (1)

3.02: Hunting, Particular Game

(1) Hunting of Bear. In accordance with the authority vested in M.G.L. c. 131, § 5, an annual open season for the hunting of black bear in Massachusetts is established, subject to the following rules and regulations:

(a) Definitions: For the purposes of 321 CMR 3.02(1) and unless the context requires otherwise, the following words and phrases shall have the following meanings:

Bait means any natural or artificial substance, including but not restricted to, shucked or unshucked corn or other grains, apples or other fruits or vegetables, honey, molasses, anise or other spices, pastries or other breadstuffs, meat or fish products, or any other substances or products which may be fed upon, ingested by, or which otherwise constitute a nutritive attraction or enticement to bear.

Baited Area means any area where baiting has taken place and such area shall remain a baited area for the period from ten days prior to the opening of the September portion of the bear season as provided in 321 CMR 3.02(1)(b) to 12:00 P.M. on the day following the close of the November portion of the bear season as provided in 321 CMR 3.02(1)(b), all days inclusive.

Baiting means the placement, exposing, depositing, distributing, or scattering of any bait or other substance so as to constitute for bears a lure or attraction to areas where hunters are attempting to take them.

Bow and Arrow means a bow and arrows of the type and design specified for the hunting of deer, bear, and wild turkey pursuant to 321 CMR 3.01(3).

Director means the director of the Division of Fisheries and Wildlife, as specified in M.G.L. c. 21, § 7F through 7G, or his agent.

Online means a Division of Fisheries and Wildlife licensing and game harvest reporting system accessible at the MassWildlife website that allows for automated licensing and game harvest reporting, including issuance of an official seal via the internet.

Zone or Zones means the Massachusetts wildlife management zones as described in 321 CMR 3.02(4)(o).

321 CMR 3.02 (3)

(3) Hunting of Bobcat, Fox and Coyote in Massachusetts. In accordance with the authority vested in me by M.G.L. c. 131, § 5, as amended by St. 1967, c. 802, the annual open seasons for the hunting of fox, coyote, and bobcat are hereby adopted, subject to the following:

(a) Definitions. For the purposes of 321 CMR 3.02(3), the following words or phrases shall have the following meanings:

Bobcat means the bobcat or wildcat (*Felis [Lynx] rufus*) but not the lynx or Canada lynx (*Felis [Lynx] canadensis*).

Division means the Massachusetts Division of Fisheries and Wildlife.

Fox means the red fox (*Vulpes vulpes*) and the gray fox (*Urocyon cinereoargenteus*).

Green Pelt means a pelt which has not been dried, cured, or tanned.

Online means a Division of Fisheries and Wildlife licensing and game harvest reporting system accessible at the MassWildlife website that allows for automated licensing and game harvest reporting, including issuance of an official seal via the internet.

Raw Pelt or Raw Fur means a green pelt which has been dried, fleshed, or cured.

State means the several states, territories, and possessions of the United States of America, and any foreign nation and any political subdivision, possession, or occupied area thereof.

Zone or Zones means the Massachusetts wildlife management zones as described in 321 CMR 3.02(4)(o).

321 CMR 3.02 (4)

(4) Hunting and Tagging of Deer. In accordance with the authority vested in me by M.G.L. c. 131, §§ 5 and 72, I hereby declare an open season for the hunting of deer in Massachusetts, subject to the following rules and regulations:

(a) Definitions: For the purposes of 321 CMR 3.02(4) and unless the context requires otherwise, the following words or phrases shall have the following meanings:

Online means a Division of Fisheries and Wildlife licensing and game harvest reporting system accessible at the MassWildlife website that allows for automated licensing and game harvest reporting, including issuance of an official seal via the internet.

321 CMR 3.02 (5)

(5) Hunting and Trapping of Certain Mammals. In accordance with the authority found in M.G.L. c. 131, § 5, and subject to 321 CMR 3.02(5), the annual open seasons for the hunting and trapping of certain mammals are hereby adopted.

(a) Definitions. For the purposes of 321 CMR 3.02(5), the following words or phrases shall have the following meanings.

Division means the Massachusetts Division of Fisheries and Wildlife.

Environmental Police Officer or EPO means the Director of the Office of Law Enforcement, deputy directors of enforcement, chiefs of enforcement, deputy chiefs of enforcement, environmental police officers, and such other enforcement officers of the Office of Law Enforcement as may be appointed pursuant to M.G.L. c. 21A, § 10A.

Online means a Division of Fisheries and Wildlife licensing and game harvest reporting system accessible at the MassWildlife website that allows for automated licensing and game harvest reporting, including issuance of an official seal via the internet.

321 CMR 3.02 (9)

(9) Hunting of Wild Turkey in Massachusetts. In accordance with M.G.L. c. 131, § 5, the Director shall declare an annual open season on wild turkeys, subject to the following:

(a) Definitions: For the purposes of 321 CMR 3.02(9), the following words or phrases shall have the following meanings:

Online means a Division of Fisheries and Wildlife licensing and game harvest reporting system accessible at the MassWildlife website that allows for automated licensing and game harvest reporting, including issuance of an official seal via the internet.

321 CMR 3.03 (1)

3.03 Hunting in Certain Areas

(1) Special Regulations for Hunting on the Delaney Wildlife Management Area in the Towns of Stow, Harvard and Bolton, Massachusetts. By the authority vested in me, pursuant to 321 CMR 3.01(1)(r) as established in accordance with the provision of M.G.L. c. 131, § 6, I herewith establish the following special regulations governing hunting on the Delaney Wildlife Management Area in the Towns of Stow, Harvard and Bolton during the prescribed hunting season for waterfowl as established in 321 CMR 3.02(2).

(a) A permit system of hunting is hereby initiated that shall require a person, duly licensed to hunt in Massachusetts, to obtain a written permit from the Massachusetts Division of Fisheries and Wildlife to hunt on certain designated days and time periods of the Delaney Wildlife Management Area during the established hunting seasons for waterfowl. Such designated days shall be: The first four days of the

open waterfowl season. In the event that the first Saturday immediately following the opening day of the waterfowl season is not one of the first four days of the open waterfowl season it shall also be a designated day. In the event of two opening days for the waterfowl season in one calendar year (split waterfowl season) designated days will apply only to the first part of the split season.

(b) All applications for a permit shall be in writing and shall include a stamped, self-addressed envelope.

(c) Applications shall be received not later than October 4 and shall be addressed to:
Division of Fisheries and Wildlife
Northeast Wildlife District Headquarters

85 Fitchburg Rd
Ayer, MA 01432

321 CMR 3.04 (5)

3.04: Falcons, Other Raptors, and Falconry

(5) Capture Limitations. Raptors may be captured by:

(a) Licensed falconers during the period August 21 through January 11 , by use of traps, bird nets, do-ghazza nets, verbal traps, bow nets or snares which are humane in their operation and use. The falconer's name shall be clearly marked on all capture devices. The use of steel-jawed traps, gins, pole traps or jump traps shall be illegal. Only raptors in juvenile plumage or less than a year of age may be removed from the wild, with the exception of American kestrels and great horned owls.

(b) Nestling birds may be taken during the last full week of March and from May 10th through June 14 and from July 1 through July 14 and is restricted to permittees other than apprentices. No more than one nestling may be taken from a nest, and the nest must contain two or more birds. The taking of nestlings is prohibited to apprentice falconers. No more than one nestling may be taken a year. The permittee shall notify the Director of the Division of Fisheries and Wildlife and the Division of Law Enforcement at least 24 hours prior to the taking to provide the opportunity for accompaniment by a designated agent of the Office of Law Enforcement or the Division of Fisheries and Wildlife during the taking.

(c) The Director may close any area of the state to the taking of raptors. Upon acquisition of a raptor from any source, a falconer shall notify the Division within five days of such acquisition.

(d) Escaped hawks, formerly legally retained and wearing falconry equipment, may be retaken by trapping or any other legal means at any time by the licensed falconer who last possessed the escaped bird.

(e) The taking of eggs is prohibited.

REGULATORY AUTHORITY 321

CMR 3.00: M.G.L. c. 131,

§ 5.

NON-TEXT PAGE